

FILED

JUN 05 2010

Clerk, U.S District Court
District Of Montana
Great Falls

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLINTON SCOTT SOOSAY,

Defendant.

CR 04-48-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Clinton Scott Soosay (Soosay) has been accused of violating the conditions of his supervised release. Soosay admitted all of the alleged violations. Soosay's supervised release should be revoked. Soosay should be placed in custody for 6 months, with no supervised release to follow.

II. Status

Soosay pleaded guilty to Possessing a Firearm During a Drug Trafficking Crime on April 8, 2004. (Doc. 8). The Court sentenced Soosay to 120 months of custody, followed by 5 years of supervised release. (Doc. 20). Soosay's current term of supervised release began on May 10, 2017. (Doc. 39 at 2).

Petition

The United States Probation Office filed a Petition on May 17, 2019, requesting that the Court revoke Soosay's supervised release. (Doc. 39). The Petition alleges that Soosay violated the conditions of his supervised release: 1) by using a controlled substance on ten separate occasions; and 2) by consuming alcohol. United States District Judge Brian Morris issued a warrant for Soosay's arrest on May 17, 2019. (Doc. 40).

Initial appearance

Soosay appeared before the undersigned for his initial appearance on June 5, 2019. Soosay was represented by counsel. Soosay stated that he had read the petition and that he understood the allegations. Soosay waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a joint revocation hearing in this case and in Cause CR 03-143-GF-BMM on June 5, 2019. Soosay admitted that he had violated the conditions of his supervised release: 1) by using controlled substances; and 2) by consuming alcohol. The violations are serious and warrant revocation of Soosay's supervised release.

Soosay's violations are Grade C violations. Soosay's criminal history category is III. Soosay's underlying offense in this case is a Class A felony. Soosay's underlying offense in Cause CR 03-143-GF-BMM is a Class C felony. Soosay could be incarcerated for up to 60 months. He could be ordered to remain on supervised release for up to 60 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months in this case, and a term of custody of 5 to 11 months in Cause CR 03-143-GF-BMM.

III. Analysis

Soosay's supervised release should be revoked. Soosay should be incarcerated for 6 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Soosay that the above sentence would be recommended to Judge Morris. The Court also informed Soosay of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Soosay that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Soosay stated that he wished to waive his right

to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court FINDS:

That Clinton Scott Soosay violated the conditions of his supervised release by using controlled substances, and by consuming alcohol.

The Court RECOMMENDS:

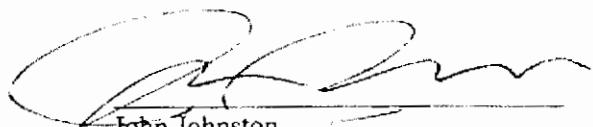
That the District Court revoke Soosay's supervised release and commit Soosay to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with no supervised release to follow. The sentence imposed in this case should run concurrent with the sentence imposed in Cause CR 03-143-GF-BMM.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district

judge, and may waive the right to appear and allocute before a district judge.

DATED this 5th day of June, 2019.



John Johnston
United States Magistrate Judge